

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
MONDAY, OCTOBER 21, 2002**

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-S400: Prohibiting Spectators at Illegal Speed Contests.

(See memorandum from City Attorney Gwinn dated October 16, 2002.)

CITY ATTORNEY'S RECOMMENDATION:

Introduction and adoption of the following ordinance:

(O-2003-70)

Introduction and adoption of an Emergency Ordinance amending Chapter 5, Article 2, of the San Diego Municipal Code by adding a new Division 52, Titled "Spectators Prohibited at Illegal Speed Contests or Exhibitions of Speed" and by adding new Sections 52.5201, 52.5202, 52.5203, 52.5204 and 52.5205.

NOTE: 6 votes required pursuant to Sections 16 and 17 of the City Charter.

SUPPORTING INFORMATION:

Illegal street racing, also known as "drag racing," has been occurring in San Diego for decades. In 1960, 2,000 racers and spectators were involved in a "riot" on El Cajon Boulevard. During the 1970s, hundreds of racers and spectators continued to race on City roads, causing a major racing magazine to designate San Diego as one of the top street racing locations in the country. The numbers of racers and spectators slightly decreased during the 1980s to mid 1990s, and began to rise again in 1998, when estimates of 1,000 participants were common. Today, magazines and Internet sites continue to spotlight San Diego as a prime spot for illegal street racing in the nation.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION (Continued):

* ITEM-S400: (Continued)

SUPPORTING INFORMATION: (Continued)

The rise in popularity of illegal speed contests in San Diego has brought with it an increase in deaths related to racing. During a 120-day period from July 1998 to October 1998, there were an astonishing eight deaths and eleven injuries directly related to illegal street racing in San Diego County. During this time, police throughout the country, including the San Diego Police, attempted to alleviate the problem by strictly enforcing existing laws. The short-term effect was minimal, and there was no long-term impact.

Most recently, San Diego's illegal street racing fatality rate has been termed "epidemic." In 2002, there have been fifteen fatal accidents on City streets, with seven related to illegal street racing. Illegal street racing in the City has grown into a serious community problem, immediately threatening public peace, property, health and safety. In the late night and early morning hours, hundreds of illegal street racers and spectators converge on various public streets, primarily in commercial or industrial areas.

These juveniles and adults block the streets with their cars, set up improvised racetracks complete with individuals acting as race starters, and drag race until police arrive. When patrol cars descend on an illegal racing site, the racers and spectators jump back into their cars and caravan to other locations, where they race until the police catch up with them. The racers, traveling at high speeds from location to location, cause traffic congestion and danger to other drivers.

The racers are highly sophisticated, using cell phones, police scanners, and other electronic devices to communicate with each other to avoid arrest. They also communicate through the Internet, providing information on illegal racing events and advice on how to avoid detection and prosecution, often staying one step ahead of law enforcement.

Illegal street racing attracts other criminal activity-juvenile curfew violations, gambling, fights and disturbances, littering, drinking in public, urinating in public, trespassing, and vandalism, including graffiti and destruction of property. The San Diego Police Department regularly patrols racing sites and conducts undercover operations to curb the illegal racing.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

**ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION:(Continued):**

* ITEM-S400: (Continued)

SUPPORTING INFORMATION: (Continued)

However, police staffing is not always adequate to handle the enormous crowds that gather at the illegal racing sites. Furthermore, it takes high levels of police staffing and coordination to observe, arrest, and build strong cases against the illegal racers.

Attempts to eliminate the problem using speed bumps, tow-away zones, street closures, and other means have not provided a lasting solution. The presence of spectators at these events encourages criminal activity and creates an environment in which illegal activities flourish.

On September 25, 2002, the Public Safety and Neighborhood Services Committee reviewed a report outlining the purpose and background of the proposed ordinance along with the draft ordinance. Councilmembers from Districts 3, 4, 5, 6, and 8 voted unanimously in a 5-0 vote to accept the City Attorney's recommendations and approve the proposed ordinance.

On October 15, 2002, the City Council heard testimony and considered the proposed ordinance. In a unanimous vote, council members voted 9-0 in favor of the proposal. People are dying as a result of illegal street racing. In the three weeks between the ordinance being introduced at the Public and Safety and Neighborhood Services Committee on September 25, and the presentation to City Council on October 15, two more innocent lives were lost. This emergency measure is needed because of the immediate risk to public health and safety and the rising death toll.

Gwinn/Peter

SPECIAL ORDERS OF BUSINESS

ITEM-S401: USS San Diego Memorial Association Day.

MAYOR DICK MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-545)

Proclaiming October 21, 2002 to be “USS San Diego Memorial Association Day” in San Diego.

ITEM-S402: Domestic Violence Awareness Month.

(Continued from the meeting of October 14, 2002, Item S402, at the request of Councilmember Atkins, a number of people from the public wanted to be in attendance and were unable to do so.)

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2003-487)

Recognizing the effect that domestic violence has on the men, women, and children of San Diego across the nation and supporting and encouraging efforts to stop domestic violence in San Diego;

Recognizing the need to eradicate domestic violence in San Diego in order to improve the lives of all San Diegans, and proclaiming October 2002 to be “Domestic Violence Awareness Month” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-S403: Lead Poison Prevention Taskforce.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-539)

Proclaiming the week of October 21, 2002 to be "Lead Poisoning Awareness Week" in San Diego, and commending the participants of the City's Lead Poison Prevention Advisory Taskforce and the Environmental Services Department in working towards the goal of eliminating lead hazards from the housing in San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-S404: Appointments and reappointments to the Commission for Arts and Culture.

(See memorandum from Mayor Murphy dated 10/15/2002 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-555)

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the Commission for Arts and Culture, for terms ending as indicated:

<u>Name</u>	<u>Term Ending</u>
Courtney Ann Coyle (replacing S. Regina Smith, whose term has expired)	8/31/2003
Barbara Finn-Pressley (replacing Anthony Tri Tran, whose term has expired)	8/31/2004
Randy S. Robbins (replacing Dr. Roger Cornell, whose term has expired)	8/31/2004
Dorothy Annette (reappointment)	8/31/2004
Steve Estrada (reappointment)	8/31/2004
Steven L. Miller (reappointment)	8/31/2004

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

* ITEM-S404: (Continued)

Iris Strauss (reappointment)	8/31/2004
Josephine Abbey Briggs (reappointment)	8/31/2004
Dr. Vivian Reznik - Chair (reappointment)	8/31/2004
Calvin Woo (reappointment)	8/31/2004

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

* ITEM-S405: Formation of an Affordable Housing Task Force.

(See City Manager Report CMR-02-234, memorandums from Councilmember Peters dated 10/1/2002 and Councilmember Frye dated 9/20/2002, and letters from Matthew J. Adams dated 10/15/2002 and Michael Stepner dated 8/8/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-557)

Authorizing the City Manager to appoint an Affordable Housing Task Force considering representation from diverse interests and perspectives;

Directing the City Manager to report to the Council within six months of the Task Force's first meeting with a written report of recommendations to improve affordable housing options and strategies in the City of San Diego, consistent with other City Housing plans.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/16/2002, RULES voted 5 to 0 to authorize the City Manager to appoint an Affordable Housing Task Force and direct the City Manager to return to Council within six months of their first meeting with a written report. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor voted yea.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

* ITEM-S406: Proposition 51 - November 2002 State Ballot Proposition.

(See memorandum from Andrew Poat dated 10/11/2002.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2003-563)

Approving the Government Relations Department's recommendations regarding State Proposition 51 on the November 2002 ballot, outlined in the memorandum to the Honorable Mayor and Members of the City Council, dated October 11, 2002.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 10/16/2002, RULES voted 5 to 0 to approve the City Manager's recommendations (opposition). (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS (Continued):

*ITEM-S407: Amendment to the Retention Agreement with the Law Firm of Luce, Forward, Hamilton & Scripps LLP, for Litigation Services Related to the Ballpark & Redevelopment Project.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2003-526)

Authorizing the amendment to the Retainer Agreement by and between the City of San Diego and the Law Firm of Luce, Forward, Hamilton & Scripps, LLP, for legal services concerning the Ballpark and Redevelopment Project increasing the authorized amount for that Agreement by \$150,000;

Authorizing the expenditure of an amount not to exceed \$150,000 from Fund 81140, Dept. 81140, Org. 3501, Object Account 4141, Job Order 081141, for the purpose of providing funds for the above project.

SUPPORTING INFORMATION:

The City previously entered into an agreement with the law firm of Luce, Forward, Hamilton & Scripps, LLP, for certain litigation services related to the Ballpark and Redevelopment Project. The original authorization was for \$75,000, which was subsequently increased to \$600,000. It is presently anticipated that expenditures will approach \$750,000 necessitating an additional \$150,000 related to concluding litigation related to the Ballpark Project.

Herring/Girard/JS

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